

**REMARKS**

The non-final Office Action mailed April 12, 2005 has been carefully reviewed and the Examiner's comments have been considered. Applicants thank the Examiner for the telephonic interview with their representative on June 21, 2005.

Claims 1, 4, 5, 6, 7, and 8 have been amended as proposed during the interview. New claims 13-20 have been added and depend from independent claim 8. No new matter has been added. The claims pending in this application after entry of the amendments are 1-20. Reconsideration and allowance of all pending claims is respectfully requested.

In the Office Action, the following rejections were made:

- Claims 5 and 6 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite; and
- Claims 1-5, 7, 8, 11, and 12 stand rejected under 35 U.S.C. 102(e) as being anticipated by Lipsky et al. (U.S. Patent No. 6,820,789).

Dependent claims 5 and 6 have been revised to clarify the frictional engagement aspect of the invention and overcome the rejection under 35 U.S.C. 112. These claims are believed to be in condition for allowance.

Regarding the rejection under 35 U.S.C. 102(e), independent claims 1, 4, and 8 have been similarly amended as proposed during the interview and recite a resilient member or deformable piece on a fixing that engages an "inner wall of the barrel" of a fastener driving tool. Neither Lipsky et al. alone, nor in combination with any other reference, teaches or fairly suggests such a fixing or method of attaching such a fixing to a fastener driving tool.

Lipsky et al. discloses a washer holder 6 that is attached to the outer surface attachment region 2 of a fastener driver gun (*see, e.g.*, Lipsky FIGS. 1&2). Accordingly, Lipsky et al. does not anticipate Applicants' claims 1, 4, and 8 as amended. Furthermore, the washer holder in Lipsky et al. is only capable of holding round washers or fixings of one size. And the washer

holder can only fit one manufacturer's particular fastener gun because its is specifically configured and sized so that its U-spring 8 engages external grooves 4 on the driving gun (*see* Lipsky FIGS. 1&3). Therefore, usage of the washer holder of Lipsky et al. is severely limiting to an installer.

In contrast to Lipsky et al., Applicants' claimed invention provides the novel placement of a resilient or deformable member on the fixing itself instead of as part of the fastener driver gun. And the resilient or deformable member engages an "inner wall" of a fastener driver tool. Therefore, as noted in Applicants' disclosure in paragraph 21, the claimed invention eliminates the need a special adapter or attachment for the driver tool like the prior art which Lipsky et al. represents. In addition to round fixings, Applicants' invention advantageously allows fixings of many different sizes and non-circular shapes such as a cable clip, channel, bracket, etc. to be secured to the driver gun (*see, e.g.*, Applicants' disclosure, paragraph 21 and FIG. 6). Moreover, Applicants' fixing is capable of use with many different manufacturer's driver guns since its resilient member needs only a driver gun barrel bore for mounting. Accordingly, the foregoing advantages provided by Applicants' novel fastener assembly as recited in claims 1, 4, and 8 are not duplicated by Lipsky et al. or any other references alone or in combination. Applicants' claimed invention provides a "universal" fixing mount in contrast to the limited size and use capabilities of the prior art devices discussed above.

In sum, independent claims 1, 4, and 8 are believed to be allowable. Claims 2-3, 5-7, and 9-12, variously depending directly or indirectly from these claims and including all of their limitations, are believed to be allowable for at least the same reasons as the respective independent claims from which they depend and the additional limitations added which further distinguish over the prior art.

New claims 13-20 depend directly or indirectly from claim 8, and are believed to be allowable for at least the same reasons as claim 8 discussed above and the additional limitations added by the claims which further distinguish over the prior art. These claims are fully supported by Applicants' disclosure. No new matter has been added. Claims 13 and 14 are supported by at least paragraph 21 and 30 of Applicants' specification as well as FIG. 6. Claim